
Remarks

- 1) Applicant thanks the Examiner for his well considered office action and telephone interview, and hopes that this response will further the understanding of applicant's invention.
- 2) In a telephone interview conducted April 29 2003, the Examiner and the undersigned, acting as agent for applicant, reached agreement that the claims as amended overcome the art presently cited by the Examiner.
- 3) Claims 73-134 are pending in the application. Applicant amended claims 93, 107, and 113.
- 4) The Examiner rejected claims 107, 113, 123, 125 & 129 under 35 U.S.C. §103(a) as being unpatentable of Krisbergh et al.(US 5,999,970) in view of Chan (US 6,374,215).
- 5) Krisbergh is directed to an access system for accessing information from a remote information source. (Abstract, col. 1, ll. 36-37,col. 14, ll. 19-20), rather than a messaging system as in the present invention. The Krisbergh et al. system operates by a server at the headend, and a plurality of user premises terminals. The server operates a number of 'user agent' processes, which interface with information sources such as the internet, on behalf of each of the terminals, presenting requests from the terminals to the information source, and sending the responses to the terminals superimposed on the blanking intervals (Col. 5, ll. 27- col. 6. ll. 57, and col. 7, ll. 30-41). As such Krisbergh requires a specialized set-top box, the structure of which is shown on Fig. 6, containing a specialized downstream VBI (Vertical Blanking Interval) extractor 92 and a terminal processor 96 for extracting the information and formatting it for display on the user television (Col. 7, ll. 58-67). Krisbergh discloses only using the blanking intervals inherent to television signals to transmit the data to the terminals.(Col. 7, ll. 31-40), and that the information is transmitted as data superimposed on the video blanking intervals, rather than as a video signal such as MPEG signal or the like. Krisbergh does not teach conversion of messages to video at the headend, and is also silent on the issue of unified messaging.

6) Chan discloses a signal processing apparatus that comprises a console unit 40 that communicates with a portable unit 80 that may be a dedicated unit or a telephone handset (Col. 2, ll. 61-65). The Chan system may be coupled locally to a television, via a video processor 8 intervening between the TV antenna 34 and the television set 9 as seen in Fig. 2. Chan teaches converting e-mail and incoming telephone messages on a television or video screen, after they have been converted into text format (col. 3, ll. 53-61 and col. 5, ll. 39-48). Chan also teaches alerting a user of message arrival by telephone. In addition, Chan allows for receiving an outgoing e-mail from a user, by receiving a voice message via a telephone by sending the message to a digital answering machine to be compressed and digitized, but then the outgoing message is converted to text by speech to text processing module 5 and sent out as a text message (co. 4, ll. 38-48). It is applicant's understanding that the Chan system is akin to a telephone answering machine having the capacity to handle e-mail messages and to display messages translated to text on a local television. Further, Chan allows sending e-mails from a telephone or a portable unit, by transforming the sent speech into text and sending the e-mail message as a text message.

7) Regarding claims 107-110, and 112, the Examiner claims that Chan discloses the required inputting of commands to select at least one message directed to a user. Applicant could only find one reference relating to sending control signals using a telephone to control unit 40, on col. 4, ll. 48-62. In this passage, Chan teaches merely a manner by which the user may inform the console if speech being sent is conventional telephone speech or speech containing an outgoing e-mail message. Applicant failed to find in either Krisbergh or Chan the step claimed in claim 107 requiring a command to be inputted via telephone to select a message directed to a user. Thus neither reference teaches the required limitation, and applicant submits that the claim is allowable. Inasmuch as the Examiner might still consider the Krisbergh reference or the Chan reference applicable to the rejection, applicant submits as argument his understanding that neither Krisbergh nor Chan teach user selection of a message, as Krisbergh, being an access system and not a messaging system, and as Chan receives all messages sent thereto and presents them to the user.

8) Regarding claim 113-120, applicant respectfully points the examiner attention that the claim relates to a unified messaging server. In both Krisbergh and in Chan applicant failed to find any teaching of unified messaging. Therefore, neither Chan nor Krisbergh teach the selection of messages in unified messaging system. Moreover, neither
5 reference teaches selection of a message having address information to associate the message with at least one user. Chan teaches a console unit that is associated only with one user, and Krisbergh teaches an access system, rather than a messaging system.

10 Inasmuch as the Examiner might still consider Krisbergh and/or Chan relevant to the invention of claims 113-119, applicant amended the claim to clarify that the signals corresponding to the message are video signals, as defined in the application. Applicant submits that while Krisbergh teaches sending signals over a television network the signals are vertical blanking interval signals and not a video signal. Applicant failed to
15 find teaching in Chan for receiving any messages via the television network. Thus neither Chan nor Kriesbergh teach the limitation of receiving video signals corresponding to the message via the television network.

Applicant therefore submits that claim 113 and its dependent claims are allowable.

20 9) As for claims 123 -124, applicant directs the Examiner attention firstly to the fact that claim 123 and its dependent claims are directed to unified messaging. Neither Krisbergh nor Chan do not teach a unified messaging server. Therefore, applicant submits that the claim and claims dependent therefrom are non-obvious, and allowable.

25 Additionally, claim 124 requires that the steps of recording, digitizing and packaging be performed by a server remote to the television set. The Examiner took official notice that at the time the invention was made, uploading of an audio message from a subscriber to a central database for recording was known in the art. Applicant gratefully notes that recording the message in a central database may be beneficial for the invention.

30 However applicant submits that when viewed in light of claim 123 limitations, it is clear that the steps of recording, digitizing and automatically packaging, are carried out for sending an outgoing e-mail message. Applicant submits that the claimed combination of steps for that purpose is not known in the art, especially on a remote server as claimed. Alternatively, applicant submits that the step of transferring voice to a remote server for

digitizing is not known in the art in this context. Thus applicant respectfully submits that the claim is non obvious and is allowable.

5 Inasmuch as the Examiner might still consider Chan or Krisbergh relevant to claim 123, applicant submits the argument that Krisbergh is directed to an access system, and that Chan does not teach automatically packaging a recorded and digitized voice message in an outgoing e-mail message. On the contrary, Chan teaches away from the present invention when he teaches the conversion of digitized speech to text prior to sending the text in an outgoing e-mail message (Col. 4, ll. 18-37).

10 Applicant submits therefore that claim 123 and its dependent claims are allowable.

10) Regarding claims 125-127, the Examiner apparently understands that Chan teaches recording a user voice and embedding said voice in an outgoing message. Chan teaches away from the invention claimed in claim 125 as he teaches converting the
15 digitized speech to text, and send the text message out to a remote user (Col. 4, ll. 18-37). Thus applicant respectfully submits that as the reference teaches away from the claim limitations, the reference should be removed and the claim allowed

11) Considering claims 129-131, applicant points out to numerous limitations not present or taught away from, by the references: firstly, neither Chan nor Krisbergh disclose a
20 distributed television messaging gateway as claimed. Additionally, as discussed above, applicant failed to find any teachings or suggestion for either unified messaging or for selecting a message responsive to user input signal entered via a telephone. Therefore, applicant submits that the claim is allowable.

12) Inasmuch as the Examiner might still consider the Krisbergh and Chan combination
25 relevant to the above claims or any other claims in the application, applicant submits that since Chan relates to a signal processing apparatus based upon selective conversion of audio signal to text signal, and since Krisbergh is directed to an access system for providing interactive access through a television distribution network, applicant submits that the combination of references is done using impermissible hindsight in light of the
30 disclosure of the present invention, and is therefore improper. Moreover, as Chan is directed towards receiving e-mail messages over an incoming telephone line (in the subscriber premises, according to applicant's understanding) and Krisbergh is directed towards providing access over a television distribution network, from a central location,

applicant submits that the references teach away from each other, and thus combining the two references is improper.

13) The Examiner rejected claims 73-83, 85-104, and 106-111 under 35 USC §103(a) as
5 being unpatentable over Schein (US 6,002,394) in view of Krisbergh (US 5,999,970).

14) Applicant directs the Examiner's attention to the analysis of the Krisbergh reference provided *supra*.

15) The Schein reference is directed primarily towards an advanced electronic program guide. In order to do so, Schein discloses the use of a "Computer system 10 includes a
10 standard computer 12 which is, for example, any available personal computer (e.g. IBM compatible, Macintosh, and the like). Computer 12 can also be located within a set-top box..." Schein goes on to describe the computer has having a hard drive, and other inputs. (Col. 4, ll. 52-58) As an alternative embodiment Schein describes the computer system 10 as combined with a television in various combinations, to form a PCTV (Col.
15 4, ll. 66- col. 5 ll. 15). It can be clearly seen that Schein places the bulk of the computing in the user premises. Thus Schein teaches away from this aspect of the present invention which shifts the bulk of computing capacity, with the costs associated therewith, to a central location such as the cable headend, and allows use of most common set-top boxes.

20 As the Examiner pointed out, Schein does mention briefly the sending of outgoing messages, however Schein is silent regarding receiving messages, or selecting messages to be received or displayed. Inasmuch as the Examiner might make the claim that a system that is constructed to send messages will also be constructed to receive such, applicant failed to find any structure, other than the one common to Schein's
25 television scheduling system, that enables such reception and transmission. With regards to the television scheduling information system, Schein states: "In summary, this technology can be resident in the user's set-top box 220, television 200, VCR 230, personal computer or the like" (col. 14, ll. 30-32). In Col. 13 ll. 66-Col. 14 ll. 1, Schein additionally describes the accessory as attached to a television 200 and directly
30 connected to telephone line 208 via a modem", that again points towards home based device. Therefore Schein further teaches away from the claimed aspect of the present invention in which the bulk of the messaging system is at the central location such as the headend.

Additionally, Schein does specify an example generating screens for display on the television. The screens are generated by the "on-screen display (OSD) controller based on graphic display commands issued by the database engine..." (Col. 13, ll. 41-47) which is described as a portion of the TVRO system shown for example in Fig. 3 by numeral 124. Thus Schein further teaches away from the conversion of the message

into a video signal at the central location as claimed.
Therefore, while the present invention may cooperate with sophisticated devices as described by Schein, and naturally the present invention cooperates with electronic program guide, both the structure and the method of operation described by Schein teach away from the structure claimed in the relevant claims which will be responded to individually below.

16) Regarding claims 73-92, applicant submits that contrary to the Examiner apparent understanding Schein does not disclose a TV messaging gateway in a central location, and adapted to generate and distribute video signals conforming to messages to a plurality of terminals connect to the downstream network, , but instead is directed towards home based technology. Additionally, as Schein's processing is based at the user premises, and therefore Schein is silent regarding delivering user input signals from a remote location.

As discussed above, Krisbergh discloses only using the blanking intervals inherent to television signals to transmit the data to the terminals.(Col. 7, ll. 31-40), and that the information is transmitted as data superimposed on the video blanking intervals, rather than as a video signal such as MPEG signal or the like. Thus Krisbergh does NOT provide the claimed video module for generating video signals corresponding to the message, whereas the module is adapted for coupling to the downstream network. Since Krisbergh does not teach the video module, neither are the means for directing the message to such module is present.

In light of the showing made above, applicant respectfully submits that claim 73, as well as all claims dependent therefrom, are non obvious and allowable.
Reconsideration of the rejection and allowance of the claims is respectfully

solicited.

17) Regarding claims 93 - 100, applicant amended the claim to require that the message control interface be constructed to control messages responsive to user input signals entered via a telephone keypad. Applicant submits that in light of the analysis provided each reference above, the claim is non-obvious and novel.

18) Regarding claims 101-107: In light of the discussion above, applicant submits that non of the references cited discloses the step of converting messages to video signals and transmitting the video signals to a particular terminal from the plurality of terminals, that is associated with a particular user.

Applicant has made a good faith effort to address each and every point made by the Examiner, and amended the claim and the specifications in order to place the application in condition for allowance. Should the Examiner find any deficiency in this amendment or in the application, or should the Examiner believe for any reason, that a conversation with applicant's agent may further the allowance and issuance of this application, the Examiner is kindly requested to contact Shalom Wertsberger at telephone (207) 799-9733.

In light of the showing and all other reasons stated above, applicant believes that rejections presented by the Examiner in the office action mailed to applicant February 3rd, 2003 were overcome. Applicant therefore submits that the claims as amended are in condition for allowance. Reconsideration and withdrawal of the rejection and issue of notice of allowance on all pending claims is respectfully solicited.

Respectfully submitted



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